



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on November 3, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST 96-2018

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Federal Express Corporation** filed **10/15/98** to:

XX Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between New York, New York, and Memphis Tennessee, on the one hand, and Moscow, on the other, via any point or points in Europe contained in Federal Express' certificates for Route 119 and Route 472.

XX Renew for two years allocation of five weekly frequencies to provide scheduled all-cargo service in the U.S.-Russia market.

Applicant rep.: **Nathaniel Breed, Jr. 202-663-8078** DOT analyst: **Sylvia Moore, 202-366-2367**

DISPOSITION

XX Granted (subject to conditions, see below)

The exemption authority granted was effective when taken: **November 3, 1998,** through **November 3, 2000**

The frequency allocation was effective when taken: **November 3, 1998,** and will remain in effect, provided that Federal Express continues to hold the necessary underlying authority to serve the U.S.-Russia market.

Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

XX The authority granted is consistent with the Air Transport Agreement between the United States and the Russian Federation, entered into force January 14, 1994. Although the Annexes to the Agreement expired May 31, 1997, they continue to be invoked by both parties as the operative source of the rights governing the relationship.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** **Holder's certificate of public convenience and necessity**
XX **Standard Exemption Conditions (attached)**

Conditions: Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert to the Department for reallocation if they are not used for a period of 90 days.

(See Reverse Side)

On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov/general/orders/aviation>*